

The Examiner has stated that, although Payn does not disclose the specific thickness, width, percentages by weight of copolymer/comonomer, and melt-flow index as in claims 1 and 2, it does disclose the claimed cross-linkable floor covering comprising copolymers of ethylene and alpha olefins with 10 or more carbon atoms (Col. 15, lines 44-55) and that the use of the claimed ranges and percentages of weight would have been obvious because they are merely the result of routine experimentation. Applicants respectfully disagree with the grounds of the obviousness rejection.

To establish a *prima facie* case of obviousness, the prior art reference must teach or suggest all the claim limitations. Payn does not do so. At Col. 15, lines 44-55, Payne states:

As also discussed herein, the second polymeric phase may be 90/10 (weight/weight) blend of lauryl methacrylate, trimethylpropane triacrylate, blends of from 99 to 60 weight % of a monofunctional monomer and from 1 to 40 % of a polyfunctional monomer, the monofunctional monomers including acrylate and methacrylate esters of alkyl alcohols that contain 8 or more carbon atoms, vinyl esters of alkyl acids that contain 8 or more carbon atoms, alpha olefins with 10 or more carbon atoms, the polyfunctional monomer being any material with two or more polymerizable functional groups that can polymerize with the monofunctional monomers.

Examiner has stated that this portion of Payne discloses “copolymers of ethylene and alpha olefins.” However, ethylene is not disclosed here. Ethylene is not lauryl methacrylate or trimethylpropane triacrylate, nor is it the listed monofunctional monomers or the polyfunctional monomers, nor can it be encompassed under such terms.

Most importantly, Payne does not disclose a floor covering. Payne teaches away from a floor covering, and directly states so. Payne teaches a polymeric material with high viscosity that allows for coating material that can be applied in a manner similar to PVC spread coating. (Col. 1, lines 35-36). Payne states at Col. 3, lines 30-36:

Also in accordance with this invention, the formulation and the properties targeted for the polymer/monomer system are substantially different from the previously disclosed art (WO 96/04419) in that they are not rigid, rather they are designed to be highly flexible, suitable for impregnation so as to provide superior wetting capability with superior adhesion to fabrics and substrates that are coated, then cured.

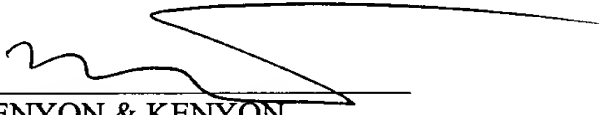
At column 2, lines 59-65, the Payn specification indicated that WO 96/04419 is directed to floor coverings. Thus Payn specifically states that the polymeric materials disclosed are substantially structurally different enough that they are not capable of use in floor coverings – they are “not rigid” but rather, highly flexible for purposes of impregnation on fabrics and the like. Thus the Payne reference, considered in its entirety, teaches away from the claimed floor coverings of the present invention, and cannot make obvious the present invention.

Applicants therefore respectfully request that the rejection of claims 1-3, 5 and 6 under 35 U.S.C. § 103 be withdrawn.

Applicants submit that this application is in condition for allowance, and respectfully request that such action be taken. If for any reason the Examiner believes that prosecution of this application would be advanced by contact with the Applicants’ attorney, the Examiner is invited to contact the undersigned at the telephone number given below.

Respectfully submitted,

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